

"I heard it through the Grapevine "

The Software Center sends periodic informational messages which are intended to provide heads-up/real time information to Software Professionals throughout the Command/Agency. These "information messages" are not intended to by-pass or replace the formal communication process or to task any DCM or CAO activity. Forwarding of this e-mail within the DCMA Software Professional community and to other interested DCMA employees is encouraged.

Your feedback is appreciated.

Software Center: 1-888-616-7598

1. DCMA Participation on contractor software process appraisals:

Short Version:

Don't sign contractor confidentially agreements without first verifying with DCMA legal.

Long Version:

With the advent of our DCMA CMM Based Insight Initiative, I believe DCMA will be welcomed and encouraged by contractors to participate in contractor internal assessments such as CMM Based Appraisals for Internal Process Improvement (CBA IPI). The benefit to the contractor is reduction of duplicative reviews through the ability to deal with a single Government agency. We are located on site and have the infrastructure to support. Areas of disagreement, if not able to be resolved at the lowest level, can be addressed within the management or corporate councils.

Contractor requests for DCMA participation on CBA IPIs are increasing. HQ DCMA recently issued [Information Memorandum 00-203](#) addressing this issue. The second paragraph of Memorandum mentions several unresolved issues including the level of DCMA involvement.

While it is the Agency intent to support CBA IPIs to better determine program risks (last paragraph of the Memorandum), there is an issue concerning the confidentially

agreements developed by some companies which prohibit DCMA release of data. Agreements such as this are unacceptable to the DCMA Office of General Counsel for two reasons; 1) It would prohibit DCMA employees from reporting any instance of fraudulent activity as required under applicable statutes and regulations without prior approval of the company and 2) DCMA customers may request some broad information relative to a specific acquisition. Contractor retention of release authority may affect our ability to serve our customers. We have an obligation to discuss the review in general terms to include the overall conduct and specific rating of the individual element. The Office of General Counsel has agreed that much of the information, which is proprietary to the contractor, must be respected and not be discussed or released to the general public. However, there already exists a specific statutory prohibition against such disclosure, which could be included in such agreements.

Currently, the Office of General Counsel is addressing this issue with the Lockheed Martin Corporation. If you have an issue or concern pending further clarification from HQ DCMA, you can contact Mr. Bruce Krasker, DCMDE Office of General Counsel at 617-753-4269.

Other contractors, such as Sikorsky where DCMA is currently engaged in a CBA IPI, do not require this restriction of data release in a confidentiality statement. If you would like additional information as to how this was done, for application in your situation, you might consider contacting the DCMA lead, Mr. Royce Brainard at 860-654-7592.

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